

Federal Register Notice

DEPARTMENT OF THE TREASURY
Customs Service

[T.D. 87-104]

Import Restrictions on Archaeological Material From El Salvador

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of import restrictions.

SUMMARY: This document advises the public that in accordance with a request from the Government of El Salvador, restrictions are being placed on the importation of certain endangered archaeological material from El Salvador. This action, which is being taken pursuant to the Convention on Cultural Property Implementation Act and in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and in cooperation with the U.S. Information Agency, will assist El Salvador in protecting its cultural patrimony.

EFFECTIVE DATE: September 11, 1987.

FOR FURTHER INFORMATION CONTACT: Legal aspects: Samuel Orandle, Entry Procedures and Penalties Division (202-566-5765); Operational aspects: Louis Alfano, Commercial Compliance Division (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting. The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and accompanying illegal exporting and importing.

There has been growing concern in the U.S. regarding the need for protecting endangered cultural property. The appearance in the U.S. of stolen or illegally exported artifacts from other countries where there has been recent pillaging has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of the museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest for the U.S. to join with other countries to control illegal trafficking of such articles in international commerce.

The U.S. joined international efforts and actively participated in deliberations resulting in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (Pub. L. 97-446, 19 U.S.C. 2601 et seq.). The spirit of the Convention was enacted into law

to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance not only to the nations whence they originate, but also to greater international understanding of mankind's common heritage. In 1983, the U.S. became the first major art importing country to implement the 1970 Convention.

It was with these goals in mind that Customs issued interim regulations to carry out the policies of the Act. The interim regulations, which were set forth in Sec. 12.104, Customs Regulations (19 CFR 12.104), were published in the Federal Register as T.D. 85-107 on June 25, 1985 (50 FR 26193), and took effect immediately. After consideration of comments received on the interim regulations, final regulations were issued as T.D. 86-52, published in the Federal Register on February 27, 1986 (51 FR 6905), and took effect on March 31, 1986.

El Salvador

Under section 303(a)(3) of the Cultural Property Implementation Act (19 U.S.C. 2602(a)(3)), the Government of El Salvador, a State Party to the 1970 UNESCO Convention, requested the U.S. Government to impose import restrictions on certain endangered archaeological material to assist El Salvador in protecting its cultural patrimony. Notice of receipt of the request was published by the U.S. Information Agency (USIA) in the Federal Register on April 8, 1987 (52 FR 11414).

On April 21, 1987, the request was referred to the Cultural Property Advisory Committee, which conducted a review and investigation, and submitted its report in accordance with the provisions of 19 U.S.C. 2605(f) to the Deputy Director, USIA, on July 16, 1987. The Committee found the situation in El Salvador to be an emergency and recommended that the U.S. Government impose emergency import restrictions. The Deputy Director, pursuant to the authority vested in him under Executive Order 12555 and USIA Delegation Order 86-3, considered the Committee's recommendations and made his determination that emergency import restrictions be applied.

The Commissioner of Customs, in consultation with the Deputy Director of the USIA, has drawn up a list of covered archaeological material from the Cara Sucia archaeological region in El Salvador. The materials on the list are subject to the 1970 UNESCO Convention and Sec. 12.104, Customs Regulations. As provided in 19 U.S.C. 2601 et seq., and Sec. 12.104a, Customs Regulations, listed material from this region may not be imported into the U.S. unless accompanied by documentation certifying that the material left El Salvador legally and not in violation of the laws of El Salvador.

In the event an importer cannot produce the certificate, documentation, or evidence required in Sec. 12.104c, Customs Regulations, at the time of making entry, Sec. 12.104d provides that the district director of Customs shall take custody of the material until the certificate, documentation, or evidence is presented. Section 12.104e provides that if the importer states in writing that he will not attempt to secure the required certificate, documentation, or evidence, or the importer does not present the required certificate, documentation, or evidence to Customs within the time provided, the material shall be seized and summarily forfeited to the U.S. in accordance with the provisions of Part 162, Customs Regulations (19 CFR Part 162).

Illustrative List of Categories of Prehispanic Archaeological Objects
From the Cara Sucia Archaeological Region

The following descriptions are illustrative and representative but are not intended to be exhaustive or restrictively typical.

Ceramic Vessels

1. Miniature bottles, bowls, jars, flasks of fine clay, cream to brown colored, sometimes with stamped or carved designs, measuring 2 to 3 inches in height.

2. Bowls: Low, open vessels in a variety of styles and colors usually 4 to 10 inches in diameter and 4 and 5 inches in height. Styles include:

Arambala polychrome, reddish brown to brown color, with glyphic and/or animal motifs and bands;

Salinitas polychrome, streaky cream to orange colored with black bands and designs such as spirals and animals;

Usulután style, a "negative" decorative technique with light color lines on a darker background; often colored cream and orange to light brown;

Delirio bichrome, red design on a cream surface;

Olocuilta monochrome, bright orange with traces of paint;

Lolotique monochrome, dull red decorated with finely incised lines;

Pinos monochrome, black-brown surface usually weathered to matte appearance, fine to coarsely incised design that may have a dull red pigment rubbed in;

Santa Tecla monochrome, dull red sometimes with faceted shoulder.

3. Jars: Vessels with neck and narrow opening, sometimes with handles, usually measuring 7 to 9 inches in height. Styles include:

Guarumal bichrome, white dots on orange-red background;

Usulután style, a "negative" decorative technique, with light color lines on a darker background; often colored cream and orange to light brown;

Plumbate monochrome, lead grey to orange colored with metallic sheen, sometimes with effigy appliques; when tapped has a distinct ring.

4. Effigy Vessels: Vessels fashioned to resemble human, animal or natural forms; usually orange, red or brown colored and 7 and 8 inches in height.

5. Vases: Vessels with straight or shaped sides, sometimes stuccoed, usually 6 to 9 inches in height. Styles include:

Incised or molded cylindrical vase, orange to brown in color, sometimes decorated with carved geometric or naturalistic designs depicting ceremonial scenes or monkeys on cream panels;

Nicoya polychrome "lamp chimney" vase, white background with red, black and orange designs and black "step scrolls". Also frequently found as simple bowls with effigy supports;

Pear-shaped with ring base with designs in blue, yellow and red; may be stuccoed;

Tiquisate, round-bottomed vase, colored cream to orange with incised designs carved on panels on each side of vase.

6. Plates: Made with tripod feet or low vase, usually reddish brown or orange colored. May have painted symbolic designs in red, orange, black, blue or white of human or animal figures. Plates are usually no larger than 15 inches in diameter.

7. Censers: Ladle censers with oversized handle ("frying pan" shaped) with orange or brick-red surfaces. They measure usually a little over 14 inches in length.

Ceramic Figurines

1. Figurines: Made from clay, often hollow and shaped like a bell, depicting human forms (often women elaborately adorned with headdresses and earplugs, sometimes with child in arms) or animal forms (dogs, monkeys, bats, toads, birds). Often beige to reddish brown color, sometimes with traces of colored paint. Small in size, usually under 12 inches in height. May be hand molded or made from a mold.

2. Whistles and flutes: Hollow clay figures, beige to brown color, shaped as animals such as birds, jaguars, dogs, or marsupials, and combining in some cases, human features.

3. Molds: Used to produce figurines, often show press marks and finger drags; usually brick-red in color and coarsely textured.

Other Ceramic Objects

1. Drums: Open at the top and bottom, black-brown to orange in color and sometimes incised with a medallion design; usually 8 inches in height.

2. Effigies: Objects fashioned to resemble natural, animal or human forms, including mushrooms, usually orange, red or brown colored and 7 to 8 inches in height.

3. Stamp seals: Seals designed to resemble animals (birds, reptiles, monkeys, insects) or geometric motifs; has a short spike handle on back; small in size measuring 2 x 2 inches.

Stone Sculpture

1. Basalmo "death" sculpture depicting a human figure with closed eyes crouching, carved from grey igneous stone; usually 12 inches in height.

2. "Hachas", or flat stones resembling a human or animal head in profile, usually 12 inches in height.

3. Relief panel resembling a jaguar head carved in relief from grey igneous stone, measuring 24 inches by 24 inches in size.

Dated: September 4, 1987

Michael H. Lane
Acting Commissioner of Customs

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